

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

CASE NO.CR99-00304-RSM

Plaintiff,

**PROPOSED FINDINGS OF
FACT AND DETERMINATION
AS TO ALLEGED VIOLATIONS
OF SUPERVISED RELEASE**

TAMSIN MARIE BERGMAN

Defendant.

INTRODUCTION

I conducted a hearing on alleged violations of supervised release in this case on April 7, 2005 and May 6, 2005. The United States was represented by Andrew Hamilton on April 7th and Susan Roe on May 6th, defendant was represented by Carole Grayson on April 7th and Jennifer Horwitz on May 6th. The proceedings were recorded on cassette tape.

CONVICTION AND SENTENCE

Defendant had been convicted of Possession of Stolen Mail on or about October 6, 1999. The Hon. Ricardo S. Martinez of this court sentenced defendant to 6 months of confinement, followed by 3 years of supervised release. The court also ordered special conditions for substance abuse, mental health, financial disclosure, restitution of \$1,231.55, no firearms or destructive devices, mandatory drug testing, abstinence from alcohol and 120-Day placement at the CSC.

The conditions of supervised release included requirements that defendant comply with the

1 standard 13 conditions.

2 **ALLEGED VIOLATIONS AND THE DEFENDANT'S ADMISSION**

3 USPO Michael J. Larson alleged that defendant violated the conditions of supervised release
4 in the five respect(s):

- 5 (1) Using amphetamine on or before February 11, 2005, in violation of standard condition
6 number seven;
- 7 (2) Using methamphetamine on or before February 11, 2005, in violation of standard
8 condition number seven;
- 9 (3) Failing to participate and successfully complete up to a 120-day placement at the
10 comprehensive sanctions center (CSC) in Seattle, Washington, by using amphetamine
11 and methamphetamine, in violation of special condition requiring her participation and
12 successful completion of the SCS program;
- 13 (4) Associating with a convicted felon, namely Joel Groves, without the approval of the
14 probation officer, in violation of standard condition number nine;
- 15 (5) Using heroin (morphine) on or before April 26, 2005, in violation of standard
16 condition number seven.

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18 At an initial hearing, I advised the defendant of these charges and of her constitutional rights. At
19 today's hearing defendant admitted to all five violations, waived any hearing as to whether it
20 occurred, and consented to having the matter set for a disposition hearing before the Hon. Ricardo
21 S. Martinez.

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23 **RECOMMENDED FINDINGS AND CONCLUSIONS**

24 Based upon the foregoing, I recommend the court find that defendant has violated the
25 conditions of her supervised release as alleged; and set the matter for a disposition hearing.
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1 Defendant has been detained pending a final determination by the court.

2 DATED this 9th day of May, 2005.

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cc: Sentencing Judge : Hon. Ricardo S. Martinez
9 Assistant U.S. Attorney : Susan Roe and Andrew Hamilton
10 Defense Attorney : Carole Grayson and Jennifer Horwtiz
11 U. S. Probation Officer : Michael Larson

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MONICA J. BENTON
United States Magistrate Judge